

**REMARKS**

**INTRODUCTION**

In accordance with the foregoing, claims 4-6, 9-14, and 18-20 have been cancelled, and claims 1, 7, 8, and 15 have been amended. No new matter is believed to have been added, and approval and entry are respectfully requested.

Claims 1-3, 7, 8, and 15-17 are pending and under consideration. Reconsideration is respectfully requested.

**ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116**

Applicants request entry of this Rule 116 Response and Request for Reconsideration because at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal. Further, the amendment of claims 1, 7, 8, and 15 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Emphasis added.) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

**REJECTION UNDER 35 U.S.C. §102**

In the outstanding Final Office Action at pages 2-3, claims 1-6 and 9-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,854,897 to Radziewicz, et al. This rejection is traversed and reconsideration is requested.

Claims 4-6, 9-14, and 18-20 have been cancelled. Thus, of rejected claims 1-6 and 9-20, only claims 1, 2, 3, 15, 16, and 17 remain pending.

Amended independent claim 1 is directed to an advertisement posting system. In relevant part, independent claim 1 has been amended to recite "a geographical factor designation/acquisition unit defining a geographical factor to post an advertisement, the

geographical factor being information regarding a position of an information terminal on which the advertisement is posted or information regarding a location of an object to be advertised, the geographical factor being obtained from location designation information inputted by a user, information which represents a latitude and longitude of a position at which the information terminal is present and which is obtained from GPS (Global Positioning System), or a position of the information terminal designated or acquired by a center of a cellular phone or a PHS (Personal Handyphone System)." Claims 2, 3, 15, and 16 depend, either directly or indirectly, from amended independent claim 1.

The outstanding Office Action asserts that the IP address of the user at DTE 14, as taught by Radziewicz, et al., is both a geographic factor and location designation information. Applicants respectfully disagree. Radziewicz, et al. at col. 7, lines 33-35, however, teaches only that "the announcement server 30 determines which announcements are designated for the particular IP address...." Thus, according to the teachings of Radziewicz, et al., the distribution of announcements is determined by the announcement server, and not by a geographic factor or location designation information.

Further, IP addresses are not assigned based on geographic information. Instead, they are assigned in a delegated manner. Internet service providers obtain allocations of IP addresses from local, regional, or national Internet registries. Internet service providers then distribute the IP addresses allocated to them. Further, on an intranet, a company or organization may arbitrarily assign IP addresses. A mobile device might receive a new IP address each time the mobile device accesses the Internet. It is possible to determine what organization an IP address is affiliated with based on the IP address allocation records. It is not possible, however, to obtain a specific geographic location from an IP address alone.

Further, at col. 10, lines 3-15, Radziewicz, et al. acknowledges a distinction between geographical area or geographic factor and IP address. Specifically, Radziewicz, et al. states "The main controller 54 generates a billing schedule for determining the amount which the sponsoring person or entity should be charged. Thus, the main controller 54 maintains data files and logs into its data files each announcement which is played to a particular DTE14. In the preferred embodiment, the controller 54 records other information about the advertisements, such as statistical information, including the advertisement's file name, play time, geographical area in which the advertisement has been played, IP address of the subscriber and/or URL of the computer 12 accessed, and any billing charge associated with the playing of the announcement.

For at least these reasons, Applicants respectfully submit that a person of ordinary skill in the art would appreciate the distinction between an IP address and a geographical area or geographical factor. Thus, Applicants respectfully submit that Radziewicz, et al. fails to teach or suggest a "geographical factor being obtained from location designation information inputted by a user, information which represents a latitude and longitude of a position at which the information terminal is present and which is obtained from GPS (Global Positioning System), or a position of the information terminal designated or acquired by a center of a cellular phone or a PHS (Personal Handyphone System)," as recited in amended independent claim 1.

### **REJECTION UNDER 35 U.S.C. §103**

In the outstanding Final Office Action at page 3, numbered item 10, claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being obvious over Radziewicz, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claims 7 and 8 have been amended to recite features similar to those of amended independent claim 1. As the rejection of claims 7 and 8 fails to cure the deficiencies of Radziewicz, et al. noted above, Applicants respectfully submit that claims 7 and 8 patentably distinguish over the prior art for reasons similar to those of independent claim 1. Accordingly, Applicants respectfully submit that claims 7 and 8 are in condition for allowance.

### **CONCLUSION**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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